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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
RUTLEDGE, AMELIA L.				
ART UNIT		PAPER NUMBER		
2176				
NOTIFICATION DATE		DELIVERY MODE		
04/30/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/691,691

Applicant(s)

MATSUSHITA, TAKAYA

Examiner

AMELIA RUTLEDGE

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 7, 9-16, 21 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 9-16, 21 and 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 1/16/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communications: Amendment, filed 02/13/2009; Information Disclosure Statement, filed 01/16/2009.
2. Claims 1, 2, 7, 9-16, 21, and 23-31 are pending. Claims 1, 15, 16, 25, and 26 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7, 9-16, 21, and 23-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Nicholas, U.S. Patent No. 6,865,719 B1, issued March 2005, application filed August 2000, or, in the alternative, under 35 U.S.C. 103(a) as

obvious over Nicholas in view of Horvitz et al. ("Horvitz"), U.S. Patent No. 7,243,130 B2, issued July 2007, PCT Pub. Date September 2001.

Regarding independent claim 1, Nicholas discloses *a display data creating apparatus that creates display data representing a plurality of display sections, each of the display sections containing a prescribed type of information, in response to a request from a client apparatus supplied via a network, and transmits the display data to the client apparatus via the network*, because Nicholas teaches displaying a message or messages to the user containing a prescribed type of information (Fig. 2A; col. 2, l. 38-col. 3, l. 65), transmitting the display data to a client browser in response to a request via the network, such as the internet (col. 4, l. 16-50). Nicholas teaches that the message may transmit an alert to a user (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49).

Nicholas teaches *a display data creating apparatus comprising: a determination part that determines for at least one of the display sections whether the information to be contained in a current display section satisfies a prescribed condition based on display configuration definition information and has a display mode attribute indicating a conditioned status, the prescribed condition indicating whether information contained in the current display section has been updated*, because Nicholas teaches that the message may transmit an alert to a user, for example when the price of a stock dips to a given price indicated by the user, i.e., a time critical event, the alert indicating that the information has been updated (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49). Nicholas discloses additional examples of information to be contained in a display message satisfying a prescribed condition indicating updated information (col. 16, l. 9-65).

Therefore, Nicholas teaches that the displayed message is used to provide a notification to the user when a prescribed condition has been satisfied, and that the prescribed condition may be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Nicholas teaches *a display data creating part that automatically changes a size of the current display section to enhance visual recognition if the information to be contained in the current display section satisfies the prescribed condition and has been updated, by creating the display data so that the current display section is expanded in size when the prescribed condition is satisfied*, because Nicholas teaches that the message section can be expanded or enlarged when relevant to the user (col. 2, l. 38-54, especially l. 53-54). Nicholas teaches that the message can be expanded allowing the user to view more details based on user cursor activity (col. 11, l. 22-60). Nicholas teaches that the message program can run in the background of any electronic device to notify the user of information by showing the notification message when the given event occurs, i.e., when the information satisfies the prescribed condition and has been updated (col. 15, l. 8-col. 16, l. 28), including a time critical event, the alert indicating that the information has been updated (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49).

While Nicholas discloses the limitations of claim 1 as set forth above, in the alternative, Horvitz discloses an architecture for a notification platform with alerts that notify the user when information has been updated, such as when new results become

available for background queries, or relaying changes in location and proximity of colleagues of the user (col. 1, l. 64-col. 3, l. 10). Horvitz discloses that the notification platform will determine when information has been updated and increase the size of the display section to enhance visual recognition, based on a listing of prescribed conditions (Figs. 8, 20; col. 12, l. 23-41, especially l. 40-41; col. 33, l. 32-col. 34, l. 59; col. 35, l. 2-43). Compare to a *display data creating part that automatically changes a size of the current display section to enhance visual recognition if the information to be contained in the current display section satisfies the prescribed condition and has been updated, by creating the display data so that the current display section is expanded in size when the prescribed condition is satisfied.*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the notification platform disclosed by Horvitz with the movable interactive message disclosed by Nicholas, since Nicholas recognized that there was a need in the art to enable a user to conveniently receive and access data and related applications, without interfering with the operation of running applications or services (Nicholas, col. 2, l. 31-36), and Horvitz disclosed a method of delivering alerts to a user which would value the information contained in a message balanced with the costs associated with disruption to the user, thereby giving the user greater control over messages, and providing that more relevant messages be delivered to the user in a manner that would be relevant to the context of the user, therefore Nicholas and Horvitz would provide the benefit of a more usable and contextually relevant alert system which would not disrupt the user's work with running applications and services.

Regarding dependent claim 2, Nicholas teaches *a display configuration managing part that manages the display configuration definition information including a determination function used in the determination carried out for the current display section, wherein the determination part determines whether the prescribed condition is satisfied in the current display section based on the determination function*, because Nicholas teaches that the displayed message is used to provide a notification to the user when a prescribed condition has been satisfied, and that the function for determining prescribed condition can be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Regarding dependent claim 7, Nicholas teaches, *wherein the display data creating part creates the display data so that the current display section is arranged so as not to be below the other display sections when the prescribed condition is satisfied*, because Nicholas teaches that the displayed message image is arranged to move over the display screen as the cursor icon moves, staying with the user focus of attention (col. 2, l. 54-col. 3, l. 12; Fig. 4B; fig. 8A).

Regarding dependent claim 9, Nicholas teaches *wherein the display data creating part updates the current display section based on the display configuration definition information managed by the display configuration managing part*, because Nicholas teaches that the displayed message is used to update the display and provide a notification to the user when a prescribed condition has been satisfied, and that the

prescribed condition may be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Regarding dependent claim 10, Nicholas teaches *wherein the display configuration definition information of each of said at least one of the display sections includes the determination function*, because Nicholas teaches that each message has the determination function (Fig. 8A, col. 12, l. 49-col. 13, l. 54).

Regarding dependent claim 11, Nicholas teaches *wherein the display configuration definition information includes information indicating whether or not the prescribed condition is set for each of the display sections*, because Nicholas teaches steps of determining whether a trailing message feature is active, and if not the trailing message can be removed (Fig. A8, step 806; col. 12, l. 49-64). Nicholas teaches additional steps including repositioning the message to overlap the text or input field (col. 13, l. 10-32).

Nicholas teaches *the display configuration definition information defining the display section for which the prescribed condition is set includes the determination function*, because Nicholas teaches that each message has the determination function (Fig. 8A, col. 12, l. 49-col. 13, l. 54). Nicholas teaches that the displayed message is used to update the display and provide a notification to the user when a prescribed condition has been satisfied, and that the prescribed condition may be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Regarding dependent claim 12, Nicholas teaches *wherein the display configuration data includes an information acquiring function required to obtain necessary information for each of the display sections, wherein the display data creating part acquires the information to be contained in the current display section based on the corresponding information acquiring function*, because Nicholas teaches that the displayed message is used to update the display and provide a notification to the user when a prescribed condition has been satisfied, and that the prescribed condition may be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Regarding dependent claim 13, Nicholas teaches, *wherein: the information to be contained in the current display section is information representing the condition of equipment connected on the network; the determination part determines whether malfunction has occurred in the equipment; and the display data creating part updates the current display section so as to indicate the occurrence of malfunction if it is determined that malfunction has occurred in the equipment*, because Nicholas teaches that the message display can be used for network administration alerts of problems on the network (col. 16, l. 55-65; col. 15, l. 25-43).

Regarding dependent claim 14, Nicholas teaches, *wherein: the information to be contained in the current display section is information stored in a database connected on the network; the determination part determines whether the database has been updated; and the display data creating part updates the current display section so as to present the information stored in the database if it is determined that the database*

has been updated, because Nicholas teaches updating the message display to send user notifications of information repositories, i.e., databases connected on the network, when the data has been changed (col. 16, l. 8-28; col. 15, l. 25-43).

Regarding independent claim 15, claim 15 reflects the display data transmission system used to implement the display data creating apparatus as claimed in independent claim 1, and is rejected along the same rationale.

Regarding independent claim 16, Nicholas teaches *a method for transmitting display data comprised of a plurality of display sections, each display section containing a prescribed type of information, to a client apparatus*, because Nicholas teaches displaying a message or messages to the user containing a prescribed type of information (Fig. 2A; col. 2, l. 38-col. 3, l. 65), transmitting the display data to a client browser in response to a request via the network, such as the internet (col. 4, l. 16-50). Nicholas teaches that the message may transmit an alert to a user (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49).

Nicholas teaches *upon receiving a request from the client apparatus, determining for at least one of the display sections whether information to be contained in a current display section satisfies a prescribed condition based on display configuration definition information and has a display mode attribute indicating a conditioned status, the prescribed condition indicating whether information contained in the current display section has been updated*, because Nicholas teaches that the message may transmit an alert to a user, for example when the price of a stock dips to a given price indicated by the user, i.e., a time critical event, the alert indicating that the information has been

updated (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49). Nicholas discloses additional examples of information to be contained in a display message satisfying a prescribed condition indicating updated information (col. 16, l. 9-65). Therefore, Nicholas teaches that the displayed message is used to provide a notification to the user when a prescribed condition has been satisfied, and that the prescribed condition may be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Nicholas teaches *transmitting the created display data to the client apparatus via a network* (col. 15, l. 25-43; col. 2, l. 38-50).

Nicholas teaches *creating the display data by automatically changing a size of the current display section to enhance visual recognition in accordance with the determination result if the information to be contained in the current display section satisfies the prescribed condition and has been updated, by creating the display data so that the current display section is expanded in size when the prescribed condition is satisfied*; because Nicholas teaches that the message section can be expanded or enlarged when relevant to the user (col. 2, l. 38-54, especially l. 53-54). Nicholas teaches that the message can be expanded allowing the user to view more details based on user cursor activity (col. 11, l. 22-60). Nicholas teaches that the message program can run in the background of any electronic device to notify the user of information by showing the notification message when the given event occurs, i.e., when the information satisfies the prescribed condition and has been updated (col. 15, l.

8-col. 16, l. 28), including a time critical event, the alert indicating that the information has been updated (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49).

While Nicholas discloses the limitations of claim 16 as set forth above, in the alternative, Horvitz discloses an architecture for a notification platform with alerts that notify the user when information has been updated, such as when new results become available for background queries, or relaying changes in location and proximity of colleagues of the user (col. 1, l. 64-col. 3, l. 10). Horvitz discloses that the notification platform will determine when information has been updated and increase the size of the display section to enhance visual recognition, based on a listing of prescribed conditions (Figs. 8, 20; col. 12, l. 23-41, especially l. 40-41; col. 33, l. 32-col. 34, l. 59; col. 35, l. 2-43). Compare to *a display data creating part that automatically changes a size of the current display section to enhance visual recognition if the information to be contained in the current display section satisfies the prescribed condition and has been updated, by creating the display data so that the current display section is expanded in size when the prescribed condition is satisfied.*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the notification platform disclosed by Horvitz with the movable interactive message disclosed by Nicholas, since Nicholas recognized that there was a need in the art to enable a user to conveniently receive and access data and related applications, without interfering with the operation of running applications or services (Nicholas, col. 2, l. 31-36), and Horvitz disclosed a method of delivering alerts to a user

which would value the information contained in a message balanced with the costs associated with disruption to the user, thereby giving the user greater control over messages, and providing that more relevant messages be delivered to the user in a manner that would be relevant to the context of the user, therefore Nicholas and Horvitz would provide the benefit of a more usable and contextually relevant alert system which would not disrupt the user's work with running applications and services.

Regarding dependent claim 21, claim 21 reflects the methods used for the display data creating apparatus as claimed in dependent claim 7, and is rejected along the same rationale.

Regarding dependent claim 23, claim 23 reflects the methods used for the display data creating apparatus as claimed in dependent claim 13, and is rejected along the same rationale.

Regarding dependent claim 24, claim 23 reflects the methods used for the display data creating apparatus as claimed in dependent claim 14, and is rejected along the same rationale.

Regarding independent claim 25, claim 25 reflects the machine readable program executed by a display data creating apparatus used to implement the methods as claimed in independent claim 16, and is rejected along the same rationale.

Regarding independent claim 26, claim 26 reflects the recording medium storing a machine readable program executed by a display data creating apparatus

used to implement the methods as claimed in independent claim 16, and is rejected along the same rationale.

Regarding dependent claims 27-31, Nicholas teaches *wherein when the determination part determines that the prescribed condition is not satisfied for the current display section, then the display data creating apparatus creates the display data so that the current display section is minimized*; because Nicholas teaches that the image and message can be resized so as to minimize or avoid interference with text (col. 7, l. 36-51; col. 8, l. 9-36), when it is determined that the prescribed condition is not satisfied for the current display section, for example, when the cursor is moved away from the current display section or when the cursor is positioned outside the confines of the web page.

Response to Arguments

Applicant's arguments filed 02/13/2009 have been fully considered but they are not persuasive.

While applicant refers to figure 15 of the drawings as an example of the features of the claimed invention (Remarks, p. 10), the invention claimed in claim 1, given the broadest reasonable interpretation in light of the specification, is also disclosed by both Nicholas and Horvitz. Claim 1 recites "A display data creating apparatus that creates display data representing a plurality of display sections... a determination part that determines for at least one of the display sections whether the information to be

contained in a current display section satisfies a prescribed condition..." The limitations of lines 1-10 refer to "display data", and transmitting "display data to the client apparatus" but do not claim displaying the data on a device. While lines 11-15 recite "changing a size of the current display section to enhance visual recognition", claim 1 does not specify the initial size of the display section, and merely requires that the "display section is expanded in size when the prescribed condition is satisfied."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Figure 15 depicting sections that can be minimized and automatically enlarged, and Figures 10-12) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, while claim 1 recites a display section, the claim limitations do not require that the display section be displayed in a browser or on a display screen; rather the claimed display section could be stored in the background or stored on the client, as disclosed in some embodiments of Nicholas (see Remarks, p. 11-12).

Nicholas discloses expanding the size of a display section if the information to be contained in the display section satisfies the prescribed condition and has been updated, because Nicholas teaches that the message program can run in the background of any electronic device to notify the user of information by showing the notification message when the given event occurs, i.e., when the information satisfies the prescribed condition and has been updated (col. 15, l. 8-col. 16, l. 28), including a

time critical event, the alert indicating that the information has been updated (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49). Therefore, while applicant argues that Nicholas teaches expanding a display section based on user cursor activity (Remarks, p. 12), Nicholas teaches an embodiment enlarging the display when information has been updated.

In the alternative, Horvitz discloses that the notification platform will determine when information has been updated and increase the size of the display section to enhance visual recognition, based on a listing of prescribed conditions (Figs. 8, 20; col. 12, l. 23-41, especially l. 40-41; col. 33, l. 32-col. 34, l. 59; col. 35, l. 2-43).

While applicant argues that Nicholas and Horvitz provide a separate alert when a prescribed condition has been met, such as a pop up window (Remarks, p. 12-14), as claimed, claim 1 could be interpreted as structurally and functionally equivalent to a pop up window, because it does not require that the "display section" initially be displayed. Further, Nicholas teaches changing the size of the existing display (col. 9, l. 33-47; col. 8, l. 25-35), and therefore does not teach only a pop up window or separate alert, contrary to applicant's arguments (Remarks, p. 12-13).

For these reasons, the rejections of claims 1, 2, 7, 9-16, 21, and 23-31 are being maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Amelia Rutledge/
Primary Examiner, Art Unit 2176